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4 **BEFORE THE SUPREME COURT OF**
5 **THE STATE OF ARIZONA**

6 In the Matter of

Supreme Court No. R-09-0006

7 PETITION TO AMEND THE RULES
8 OF CRIMINAL PROCEDURE,
9 RULE 1.4

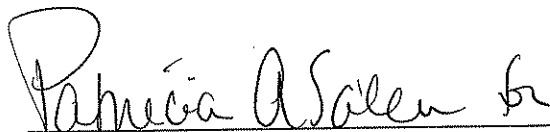
**Comment of the State Bar of
Arizona in Opposition to Petition
No. R-09-0006 to Amend Rule 1.4,
Arizona Rules of Criminal
Procedure**

10 The petitioner asks this Court to amend Rule 1.4 to include a justice of
11 the peace in the definition for a presiding judge in the Rules of Criminal
12 Procedure "Definitions" section (Rule 1.4). The petitioner wishes to avoid the
13 process of referring a Rule 10.2 notice to another presiding justice of the peace
14 in a one-justice-of-the-peace court for reassignment, the effect of which would
15 be to allow the same justice of the peace receiving the challenge or Rule 10.2
16 notice to also make the reassignment. The State Bar of Arizona does not believe
17 this is a wise or necessary change and, as such, opposes this proposed rule
18 change because the current process is appropriate for the handling of a Rule 10.2
19 notice or challenge in a one-justice-of-the-peace justice court.
20

1 Conclusion

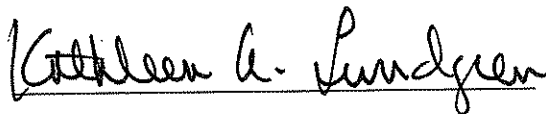
2 Thus, for the foregoing reasons, the State Bar opposes the proposed rule
3 change in its entirety.

4 **RESPECTFULLY SUBMITTED** this 15th day of May 2009.

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10 Electronic copy filed with the
11 Clerk of the Supreme Court of Arizona
this 15th day of May, 2009.

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